



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

October 20, 2016

Mr. Regie Castellaw
General Manager
Brownsville Energy Authority
P.O. Box 424
Brownsville, TN 38012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 8414 7266 9904 2050 2149 44

Re: Pretreatment Audit Inspection
Brownsville Pretreatment Program
NPDES Permit No. TN0062367
Haywood County

Dear Mr. Castellaw:

The Division of Water Resources (Division) appreciates the cooperation of Brownsville Energy Authority's (BEA's) staff on September 28 and 29, 2016, when Mr. James Scott and I conducted a Pretreatment Audit Inspection of Brownsville's industrial pretreatment program. The comments below are based on the results of the inspection.

1. During the inspection, the inspection forms for Teknor Apex Tennessee Company BUD-004 (Teknor Apex (Plastics)) and Lasco Fittings, LLC (Lasco) were reviewed. Inspections for Teknor Apex (Plastics) and Lasco were conducted on August 21, 2013, and again on October 14, 2014. As a result, there were more than 13 months between documented inspections at both industries. Per Tennessee Rule 0400-40-14-.08(6)(b)5., significant industrial users are required to be inspected at least once every 12 months. As discussed during the audit, please ensure that BEA is inspecting industries at the required frequency in the City's approved pretreatment program.
2. During the audit, the industrial user files and permits for Teknor Apex (Plastics) and Lasco were reviewed.
 - a. Teknor Apex (Plastics) is a categorical industrial user (CIU) subject to 40 CFR Part 414.111. The pretreatment standards in 40 CFR Part 414.111 require development of mass-based limitations using the industry's process wastewater flow. However, Teknor Apex (Plastics)'s permit contains concentration-based limits. BEA should develop mass-based categorical limits and revise Teknor Apex (Plastics)'s permit to indicate the correct limits. Also, please note that the mass limitations for lead, zinc, and total cyanide

should be determined based on the flow from metal-bearing or cyanide-bearing wastestreams as required by 40 CFR Part 414.111.

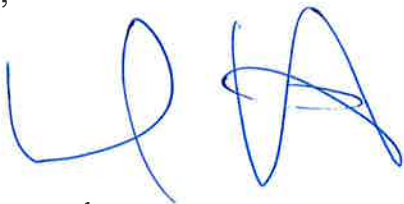
- b. All categorical parameters in the permit for Teknor Apex (Plastics) require grab sampling, and the files did not contain documentation showing that grab samples are representative of the industry's discharge. However, Tennessee Rule 0400-40-14-.12(7)(c) only requires grab sampling for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. Flow-proportional composite sampling is required for all other pollutants, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility. BEA should revise the permit for Teknor Apex (Plastics) to require flow-proportional sampling for lead and zinc, unless time-proportional composite sampling or grab sampling is as representative of the discharge and the rationale is documented in the pretreatment files for the industry.
- c. Part 1.H. of the permit for Teknor Apex (Plastics) allows for BEA to authorize the industry to forego sampling of a pollutant regulated by a categorical pretreatment standard. This section of the permit indicates that the industry has been granted a monitoring waiver for mass-based limitations for Total Kjeldahl Nitrogen (TKN). However, TKN is a surcharge parameter not subject to categorical pretreatment standards in 40 CFR Part 414.111. While it is acceptable to allow mass-based limits for surcharging TKN, this waiver should not be included in the section regarding waivers for categorical pollutants not present. The TKN waiver should be removed from this section of the permit.
- d. Lasco's permit does not specifically state whether or not the industry is required to have a slug discharge control plan. The inspection form for the industry indicates that a slug discharge control plan is required and has been submitted. In accordance with Tennessee Rule 0400-40-14-.08(6)(a)3.(3), BEA should revise Lasco's permit to indicate that the industry is required to have a slug discharge control plan.
- e. The permit for Lasco does not clearly specify the sampling location. While a diagram indicating the automatic sampler location is attached to the permit, no language refers to this diagram as the sampling location, and the location is not described in the permit. Please revise Lasco's permit to clearly indicate the sampling location.
- f. The cover page for Teknor Apex (Plastics) indicates that the industry is a non-significant categorical industrial user. Additionally, the cover page for Lasco indicates the industry is a categorical industrial user. It appears these industries were mistakenly classified incorrectly on the cover page of each permit. Please revise the permits to correctly indicate each industry's classification.
- g. Both permits require the industry to notify BEA prior to implementation of any planned physical alterations, additions to the permitted facility, or substantial process modifications. However, Tennessee Rule 0400-40-14-.12(10) requires the industry to notify the Control Authority in advance of *any* substantial change in the volume or character of pollutants in their discharge. This notification may include significant

decreases in volume or production. Please revise the permits to require notification in advance of any substantial change in the volume or character of pollutants in the industry's discharge.

- h. The permits require notification of accidental discharges, slug loading, and bypasses, but do not specifically require notification of upsets. Please revise the permits to include notification of upsets.
- i. Part 2.C.4. defines significant non-compliance (SNC), in part, as "Failure to provide, within thirty (30) days after the due date, required reports...". However, Part 5.A.49. defines SNC as a failure to provide required reports within 45 days of the due date. BEA should revise the definition of SNC in the permits to be consistent with the definition in BEA's Sewer Use Ordinance.
- j. The permits contain separate tables for surcharge parameters and enforceable parameters. However, the surcharges are referred to as "Threshold Limits." We recommend not using the words "limits" or "limitations" when referring to surcharges.
- k. Part 1.D. indicates the steps BEA shall take in the case of a user causing interference. Additionally, Part 2.C.3. states that BEA will annually publish users in SNC. Including requirements that BEA must meet may cause the permits to be interpreted as a contract. We recommend not including requirements that BEA must meet.

We appreciate the effort BEA has put into the pretreatment program. Please provide to this office, by November 30, 2016, a written description of the actions BEA will take to address these comments. If you have any questions, please do not hesitate to contact me at (615) 532-8786 or Laurel.Rognstad@tn.gov.

Sincerely,



Laurel Rognstad
Environmental Protection Specialist
Compliance and Enforcement Unit

cc: Mr. James Scott – Division of Water Resources, Jackson EFO
Mr. Ben Thornton – Brownsville Energy Authority
Ms. Melissa Boner – J.R. Wauford & Company